

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here’s how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BUCK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2018.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 27, 2018, at 9:24 a.m.:

That the Senate agreed to without an amendment H. Con. Res. 103.

That the Senate agreed to without an amendment H. Con. Res. 107.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o’clock and 28 minutes p.m.), the House stood in recess.

□ 1307

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEBER of Texas) at 1 o’clock and 7 minutes p.m.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. THOMPSON of California. Mr. Speaker, I have a privileged resolution at the desk, which I have previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas, gun violence affects every community in our Nation;

Whereas, 30 people are killed every day by someone using a gun;

Whereas, more than 2,200 people have been killed this year by someone using a gun;

Whereas, there have been at least 34 mass shootings this year;

Whereas, while mass shootings often receive media attention, gun violence is present every day in every community;

Whereas, since the tragedy at Sandy Hook Elementary School, the House of Representatives has held 43 moments of silence to honor the memory of people killed by someone using guns;

Whereas, most gun owners are responsible and law-abiding;

Whereas, the Supreme Court, in its District of Columbia v. Heller decision, recognized the right to keep and to bear arms;

Whereas, the Brady Handgun Violence Prevention Act was enacted on November 30, 1993;

Whereas, background checks have been successful and every day stop more than 170 felons, some 50 domestic abusers, and nearly 20 fugitives from buying a gun;

Whereas, over 2,000,000 gun sales were blocked since enactment of the Brady Handgun Violence Prevention Act;

Whereas, 90 percent of all background checks are done instantly;

Whereas, the States that require background checks, 47 percent fewer women are murdered by intimate partners;

Whereas, in States that require background checks, there are 47 percent firearm suicides;

Whereas, in States that require background checks, 53 percent fewer law enforcement officers are killed by someone using a gun;

Whereas, 97 percent of Americans polled support background checks for all gun sales;

Whereas, in many States, no background check is required to buy a gun online or at a gun show; and

Whereas, the President has said, “Whether we are Republican or Democrats must now focus on strengthening Background Checks!” Now, therefore, be it:

Resolved That the House of Representatives should immediately consider H.R. 4240, the Public Safety and Second Amendment Rights Protection Act of 2017, and H.R. 3464, the Background Check Completion Act of 2017.

The SPEAKER pro tempore. Does the gentleman from California wish to present argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Mr. THOMPSON of California. Mr. Speaker, yes, I do.

The SPEAKER pro tempore. The gentleman is recognized on the question of order.

Mr. THOMPSON of California. Mr. Speaker, it is our duty as lawmakers and Representatives to pass laws that will make our communities safer. So far, Mr. Speaker, Congress has done nothing in regard to gun violence prevention, and that is shameful.

Every Member here knows that something must be done about gun violence. We may not all agree on what that is, but everyone, from the President of the United States of America to the inspiring young leaders who are leading a movement today out of Florida, agrees we must expand background checks. That is why we need this resolution and why we must take up the bipartisan background bill immediately. You cannot table the 30 people a day who are killed by someone using a gun.

Let us have this vote, Mr. Speaker. We have had too many moments of silence. We have got a bill that is ready to come to the floor. It is bipartisan, Democrats and Republicans supporting the bill, coauthoring the bill.

Ninety-seven percent of the American people believe that we should take up and vote for a measure regarding background checks. This is a good bill. It should be brought to the floor.

The Republicans should not be silencing the wishes of the American people. The Republican majority should not disallow hearings and votes on this bill.

Mr. Speaker, it is past time.

The SPEAKER pro tempore. The remarks of the gentleman must be confined to the question of order.

The Chair is prepared to rule.

The gentleman from California seeks to offer a resolution raising a question of the privileges of the House under rule IX. The resolution offered by the gentleman from California provides that the House should vote on two specified measures.

One of the fundamental tenets of rule IX, as the Chair recently ruled on December 10, 2015, is that a resolution expressing a sentiment that the House should consider a particular bill does not qualify as a question of the privileges of the House. Similarly, on February 6, 2018, the Chair ruled that a resolution providing that the House should act on a specified item of business does not constitute a question of the privileges of the House.

By calling for a vote on two particular measures, the resolution expresses a legislative sentiment in violation of the principles documented in sections 702 and 706 of the House Rules and Manual. Accordingly, the resolution does not constitute a question of the privileges of the House.

Mr. THOMPSON of California. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. BURGESS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Burgess moves to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMPSON of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on:

Ordering the previous question on House Resolution 748;

Adoption of House Resolution 748, if ordered;

Ordering the previous question on House Resolution 747; and

Adoption of House Resolution 747, if ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 18, as follows:

[Roll No. 83]

YEAS—228

Abraham	Cole	Gaetz
Aderholt	Collins (GA)	Gallagher
Allen	Collins (NY)	Garrett
Amash	Comer	Gianforte
Amodei	Comstock	Gibbs
Arrington	Conaway	Gohmert
Babin	Cook	Goodlatte
Bacon	Costello (PA)	Gosar
Banks (IN)	Crawford	Gowdy
Barletta	Culberson	Granger
Barr	Curbelo (FL)	Graves (GA)
Barton	Curtis	Graves (LA)
Biggs	Davidson	Griffith
Bilirakis	Davis, Rodney	Grothman
Bishop (MI)	Denham	Guthrie
Bishop (UT)	Dent	Handel
Blackburn	DeSantis	Harper
Blum	DesJarlais	Harris
Bost	Diaz-Balart	Hartzler
Brady (TX)	Donovan	Hensarling
Brat	Duffy	Herrera Beutler
Bridenstine	Duncan (SC)	Hice, Jody B.
Brooks (AL)	Duncan (TN)	Higgins (LA)
Brooks (IN)	Dunn	Hill
Buchanan	Emmer	Holding
Buck	Estes (KS)	Hollingsworth
Bucshon	Farenthold	Hudson
Budd	Faso	Hultgren
Burgess	Ferguson	Hunter
Byrne	Fitzpatrick	Hurd
Calvert	Fleischmann	Issa
Carter (GA)	Flores	Jenkins (KS)
Chabot	Fortenberry	Jenkins (WV)
Cheney	Fox	Johnson (LA)
Coffman	Frelinghuysen	Johnson (OH)

Johnson, Sam	Mooleenaar	Sensenbrenner
Jones	Mooney (WV)	Sessions
Jordan	Mullin	Shimkus
Joyce (OH)	Newhouse	Shuster
Katko	Noem	Simpson
Kelly (MS)	Norman	Smith (MO)
Kelly (PA)	Nunes	Smith (NE)
King (IA)	Olson	Smith (NJ)
King (NY)	Palazzo	Smith (TX)
Kinzinger	Palmer	Smucker
Knight	Paulsen	Stefanik
Kustoff (TN)	Perry	Stewart
Labrador	Pittenger	Stivers
LaHood	Poe (TX)	Stivers
LaMalfa	Poliquin	Taylor
Lamborn	Posey	Tenney
Lance	Ratcliffe	Thompson (PA)
Latta	Reed	Thornberry
Lewis (MN)	Reichert	Tipton
LoBiondo	Renacci	Turner
Loudermilk	Rice (SC)	Upton
Love	Roby	Valadao
Lucas	Roe (TN)	Wagner
Luetkemeyer	Rogers (AL)	Walberg
MacArthur	Rogers (KY)	Walden
Marchant	Rohrabacher	Walker
Marino	Rokita	Walorski
Marshall	Rooney, Francis	Walters, Mimi
Masie	Rooney, Thomas	Weber (TX)
Mast	J.	Webster (FL)
McCarthy	Ros-Lehtinen	Wenstrup
McCaul	Roskam	Westerman
McClintock	Ross	Williams
McHenry	Rothfus	Wilson (SC)
McKinley	Rouzer	Wittman
McMorris	Royce (CA)	Womack
Rodgers	Russell	Woodall
McSally	Rutherford	Yoder
Meadows	Sanford	Yoho
Meehan	Scalise	Young (AK)
Messer	Schweikert	Young (IA)
Mitchell	Scott, Austin	Zeldin

NAYS—184

Adams	Eshoo	Lujan Grisham,
Agullar	Espallat	M.
Barragan	Esty (CT)	Lujan, Ben Ray
Bass	Evans	Lynch
Beatty	Foster	Maloney,
Bera	Frankel (FL)	Carolyn B.
Beyer	Fudge	Maloney, Sean
Bishop (GA)	Gabbard	Matsui
Blumenauer	Gallo	McCollum
Blunt Rochester	Garamendi	McEachin
Bonamici	Gomez	McGovern
Boyle, Brendan	Gonzalez (TX)	McNerney
F.	Gottheimer	Meeks
Brady (PA)	Green, Al	Meng
Brown (MD)	Green, Gene	Moore
Brownley (CA)	Grijalva	Moulton
Bustos	Gutiérrez	Murphy (FL)
Butterfield	Hanabusa	Nadler
Capuano	Hastings	Napolitano
Carbajal	Heck	Neal
Cárdenas	Higgins (NY)	Nolan
Carson (IN)	Himes	Norcross
Cartwright	Hoyer	O'Halleran
Castor (FL)	Huffman	O'Rourke
Castro (TX)	Jackson Lee	Pallone
Chu, Judy	Jayapal	Panetta
Cicilline	Jeffries	Pascarell
Clark (MA)	Johnson (GA)	Pelosi
Clarke (NY)	Johnson, E. B.	Perlmutter
Clay	Kaptur	Peters
Clyburn	Keating	Peterson
Cohen	Kelly (IL)	Pingree
Connolly	Kennedy	Pocan
Cooper	Khanna	Polis
Correa	Kihuen	Price (NC)
Costa	Kildee	Quigley
Courtney	Kilmer	Raskin
Crist	Kind	Rice (NY)
Crowley	Krishnamoorthi	Richmond
Cuellar	Kuster (NH)	Rosen
Davis (CA)	Langevin	Roybal-Allard
Davis, Danny	Larsen (WA)	Ruiz
DeFazio	Larson (CT)	Ruppersberger
DeGette	Lawrence	Rush
Delaney	Lawrence	Ryan (OH)
DeLauro	Lawson (FL)	Sánchez
DelBene	Lee	Sarbanes
Demings	Levin	Schakowsky
DeSaulnier	Lewis (GA)	Schiff
Deutsch	Lieu, Ted	Schneider
Dingell	Lipinski	Schrad
Doggett	Loeb	Scott (VA)
Doyle, Michael	Lofgren	Scott, David
F.	Lowenthal	Serrano
Ellison	Lowey	Sewell (AL)

Shea-Porter
Sherman
Sinema
Sires
Slaughter
Soto
Suozi
Swalwell (CA)
Takano

Thompson (CA)
Thompson (MS)
Titus
Tonko
Tsongas
Vargas
Veasey
Vela
Visclosky

Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—18

Bergman
Black
Carter (TX)
Clever
Cramer
Cummings

Engel
Graves (MO)
Huizenga
Long
Payne
Pearce

Smith (WA)
Speier
Torres
Trott
Velázquez
Walz

□ 1337

Messrs. TED LIEU of California, NEAL, PANETTA, RUSH, THOMPSON of Mississippi, MCEACHIN, and JOHN-SON of Georgia changed their vote from “yea” to “nay.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1865, ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 748) providing for consideration of the bill (H.R. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 184, not voting 18, as follows:

[Roll No. 84]

YEAS—228

Abraham	Buck	Dent
Aderholt	Bucshon	DeSantis
Allen	Budd	DesJarlais
Amash	Burgess	Diaz-Balart
Amodei	Byrne	Donovan
Arrington	Calvert	Duffy
Babin	Carter (GA)	Duncan (SC)
Bacon	Chabot	Duncan (TN)
Banks (IN)	Cheney	Dunn
Barletta	Coffman	Emmer
Barr	Cole	Estes (KS)
Barton	Collins (GA)	Farenthold
Biggs	Collins (NY)	Faso
Bilirakis	Comer	Ferguson
Bishop (MI)	Comstock	Fitzpatrick
Bishop (UT)	Conaway	Fleischmann
Blackburn	Cook	Flores
Blum	Costello (PA)	Fortenberry
Bost	Crawford	Fox
Brady (TX)	Culberson	Frelinghuysen
Brat	Curbelo (FL)	Gaetz
Bridenstine	Curtis	Gallagher
Brooks (AL)	Davidson	Garrett
Brooks (IN)	Davis, Rodney	Gianforte
Buchanan	Denham	Gibbs